HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.22228 of 2000

Dated 24th day of October, 2007

Between:

Gumidelli Srinivas .. Petitioner

And

The State of A.P., rep. by its Secretary, Endowments Department, Secretariat, Hyderabad and three others .. Respondents

-
-
-

O R D E R:

This writ petition is filed seeking a mandamus to declare the Notification No.D2/47744/2000, dated 17.10.2000 issued by the 2nd respondent-Commissioner, as arbitrary and illegal.

The petitioner asserts that his grandfather constructed Sri Laxmi Narayana Swamy Devasthanam at Secunderabad. After the death of his grandfather, the petitioner's father was declared as hereditary trustee of the Temple. After the demise of his father, the Endowments Department, Hyderabad declared the petitioner as member belonging to the family of the "Founder" of the Temple, by its proceedings dated 24.9.1997 and ever since, he has been managing the Temple in the capacity of Founder or member of the Founder family without any complaint whatsoever. Now, the petitioner's grievance is that the 2nd respondent-Commissioner issued a Notification dated 17.10.2000 contemplating to constitute a Trust Board to Sri Laxmi Narayana Swamy Temple and invited applications from the interested persons, thereby, depriving the petitioner's rights over the Temple.

Heard Sri P.Yadgir Rao, learned counsel for the petitioner, the learned Government Pleader for Endowments and perused the material placed on record.

The learned counsel for the petitioner has mainly contended that the petitioner is the Founder-member and he gave an application to the Commissioner in the year 1999 seeking exemption of the Temple from the constitution of any Trust Board to it, but the 2nd respondent-Commissioner, without passing any orders on it, issued the impugned Notification inviting applications from the interested

persons within a period of 15 days from the date of the Notification.

Of course, the learned counsel for the petitioner has contended on so many aspects, but this Court is of the view that all those submissions are not necessary for disposal of this case. Evidently, the date of Notification is 17.10.2000, whereas, it was received by the Executive Officer only on 7.11.2000 which is after 21 days. The period for receipt of the applications as fixed in the Notification is only 15 days, and hence, the persons, who are interested to be appointed as Trustees, had no opportunity to submit their applications. Originally, Rules were made under Section 17(3) of A.P. Endowments Act (Act 30 of 1987) fixing the time of 15 days for receipt of applications from the eligible candidates to be appointed as Trustees, however, the same was amended by virtue of G.O.Ms.No.9, dated 8.1.1990, according to which, the time of 15 days is changed as 20 days. For that reason also this Court is of the view that the Notification dated 17.10.2000 is liable to be set aside.

In the result, this writ petition is allowed and the Notification dated 17.10.2007 is quashed. As the petitioner submitted his representation dated 18.1.1999 seeking exemption of the Temple from the constitution of any Trust Board to it as per the provisions laid down under Sections 15 and 29 of the A.P. Endowments Act, and the same is not disputed by the respondents, the 2nd respondent-Commissioner is hereby directed to consider the petitioner's representation and pass appropriate orders in accordance with law. No costs.

_____

24.10.2007

bcj